IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6234 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

UNION OF INDIA

Versus

I.S.LAL DY.STATION SUPERINTENDENT

Appearance:

1. Special Civil Application No. 6234 of 2003
MR VIN with MRS VASAVDATTA BHATT for Petitioner No. 1-3
MR PH PATHAK for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 26/06/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

1. Against the interim judgment and order dated 4/10/2002 passed in O.A. No. 2/2000 passed by the Central Administrative Tribunal, Ahmedabad Bench (for short 'the Tribunal'), the present petition is filed.

2. The respondent - applicant approached the Tribunal by way of O.A. No. 2 of 2000 for considering his case for promotion and the order of transfer dated 19/7/1999 transferring him from Gandhidham to Arnej and prayed that he may be given similar treatment which was meted out to other employees. His application was allowed by the Tribunal by its impugned judgment and order dated 4/10/2002 and the respondents - present petitioners were directed to consider the case of the applicant within three months from the date of the receipt of the order. This has been challenged in this petition by the present petitioners.

3. On last occasion learned counsel Mr. Vin for the petitioners made a statement before us that after the Tribunal passed the impugned order dated 4/10/2002, the respondent - applicant was punished by an order dated 17/6/2003 whereby penalty of stoppage of increment for a period of two years without future effect was imposed against him. Therefore, according to him, there was no question of considering his case as per the direction of the Tribunal. Mr. Pathak wanted time to take necessary instructions in the matter from his client. Therefore, the matter was kept today.

4. Today, learned counsel Mr. Vin places on record an order dated 17/6/2003 passed by Shri U.H. Trivedi, For DRM (E) BVP and states that as per the direction of the Tribunal issued under the impugned order dated 4/10/2002 the authority had considered the case of the respondent original applicant and rejected the same for the reasons stated in it. Thus, in short the order impugned is complied with. Therefore, nothing further is required to be done in the matter. If the respondent applicant is aggrieved by the subsequent order dated 17/6/2003, then it will be open to him to approach appropriate forum by way of appropriate proceedings. Accordingly, this petition is disposed of. Copy of the order dated 17/6/2003 passed by Shri U.H.Trivedi, For DRM[E] BVP is ordered to be taken on record. Rule discharged with no order as to costs.

[B.J. SHETHNA, J.]

[AKSHAY H. MEHTA, J.]

* Pansala.